

AN ORDINANCE 101900

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of 0.48 acres out of NCB 16391 from "O-2 GC-1" Office Hill Country Gateway Corridor District and "C-2 GC-1" Commercial Hill Country Gateway Corridor District to "C-2 S GC-1" Commercial Hill Country Gateway Corridor District with a Specific Use Permit for a bar and/or tavern.

SECTION 2. A description of the property is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 3. The City Council finds as follows:

- A. The specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

SECTION 4. The City Council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "B" and made a part hereof and incorporated herein for all purposes.

SECTION 5. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 6. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective on December 25, 2005.

PASSED AND APPROVED this 15th day of December, 2005.

ATTEST:

Leticia M. Vacot
City Clerk

Ken Waack
M A Y O R
For

APPROVED AS TO FORM:

Garrett J. Hunt
City Attorney

Agenda Voting Results

Name: Z-15.

Date: 12/15/05

Time: 04:52:37 PM

Vote Type: Multiple selection

Description: ZONING CASE #Z2005248 S (District 8): An Ordinance changing the zoning boundary from "O-2 GC-1" Office Hill Country Gateway Corridor District and "C-2 GC-1" Commercial Hill Country Gateway Corridor District to "C-2 S GC-1" Commercial Hill Country Gateway Corridor District with a Specific Use Permit for a bar and/or tavern on .48 acres out of NCB 16391, 23535 IH 10 West as requested by Kaufman and Associates, Inc., Applicant, for L. S. Boardwalk, LLC, Owner(s). Staff and Zoning Commission have recommended approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10	Not present			
MAYOR PHIL HARDBERGER	MAYOR		x		

22005248

BROWN ENGINEERING CO.

ENGINEERING CONSULTANTS
1000 CENTRAL PARKWAY N., S-100
SAN ANTONIO, TEXAS 78232
PHONE (210) 494-5511

**METES AND BOUNDS
DESCRIPTION OF A
0.480 ACRE PARCEL OF LAND**

A Metes and Bounds description of a 0.480 acre (20,893 square feet) parcel of land situated in New City Block 16391, City of San Antonio, Bexar County, Texas: being out of Lot 6, Block 1 of IH-10 Office Development Subdivision, plat of which is recorded in Volume 9559, Page 15 of the Bexar County Deed and Plat Records; and being more particularly described as follows:

BEGINNING at the southwestern-most corner of said Lot 6, situated in the northeasterly right-of-way line of Cielo Vista Drive (60 feet wide);

THENCE, North 80°49'12" East, 187.47 feet along the southerly boundary of said Lot 6 to a point; said point bears North 80°49'12" East, 345.26 feet to the southeastern-most corner of said Lot 6, situated in the southwesterly right-of-way line of Interstate Highway 10;

THENCE, North 09°10'48" West, 49.34 feet to the POINT OF BEGINNING of the herein described parcel of land;

THENCE, North 24°15'24" West, 281.67 feet to a point for corner;

THENCE, North 65°44'36" East, 74.18 feet to a point for corner;

THENCE, South 24°15'24" East, 281.67 feet to a point for corner;

THENCE, South 65°44'36" West, 74.18 feet to the POINT OF BEGINNING, containing 0.480 acre of land in Bexar County, Texas.

CASE NO: Z2005248 S

Staff and Zoning Commission Recommendation - City Council

Date: December 15, 2005

Zoning Commission Meeting Date: November 01, 2005

Council District: 8

Ferguson Map: 479 E3

Appeal:

Applicant:

Owner

Kaufman and Associates, Inc.

L. S. Boardwalk, LLC

Zoning Request: From "O-2 GC-1" Office Hill Country Gateway Corridor District and "C-2 GC-1" Commercial Hill Country Gateway Corridor District to "C-2 S GC-1" Commercial Hill Country Gateway Corridor District with a Specific Use Permit for a bar and/or tavern

.48 acres out of NCB 16391

Property Location: 23535 IH 10 West

Interstate Highway 10, south of Cielo Vista Drive

Proposal: To operate a cigar bar

Neighborhood Association: Cielo Vista Neighborhood Association

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Approval

The applicant is requesting a specific use permit to allow a cigar bar, with alcohol sales, in an improved multi-tenant building with other existing uses. The "C-2 S" is proposed for both buildings on the site but does not extend beyond the footprint of either building, excepting the open area between the buildings. Approval of the request would allow the establishment of a bar and/or tavern type operation in either of the existing buildings.

In 2001, the property was approved for a split zoning, "C-3" along the frontage of Interstate Highway 10 and "O-2" along Cielo Vista Drive. In early 2003, a small strip through the approximate center of the property was rezoned from "O-2" to "C-2," and the Hill Country Gateway Corridor, "GC-1," was applied to the property in May of 2003. A later amendment to the Unified Development Code restricted bar and tavern type uses in the "C-2" zoning district where these uses were no longer permitted by right but instead required a Specific Use Permit. Outdoor dining activities are permitted by right in the "C-3" but not in the "O-2"; therefore, any outdoor activities, including outdoor dining and the consumption of alcohol, would be allowed only in the front of the buildings, facing IH 10, and not behind the buildings. The existing "O-2 GC-1" zoning along the rear of the property fronting on Cielo Vista Drive serves as an adequate transition of zoning between the existing and proposed zoning of the subject property and the "R-6" zoning and single-family uses across Cielo Vista Drive. Since the proposed zoning does not extend to any property line, a buffer is not required between the subject property and the property immediately south zoned "R-6 GC-1." Lastly, access to the

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Staff and Zoning Commission Recommendation - City Council

subject property from Cielo Vista Drive is not physically possible due to the abrupt change in topography at the rear of the site.

Zoning Commission Recommendation:

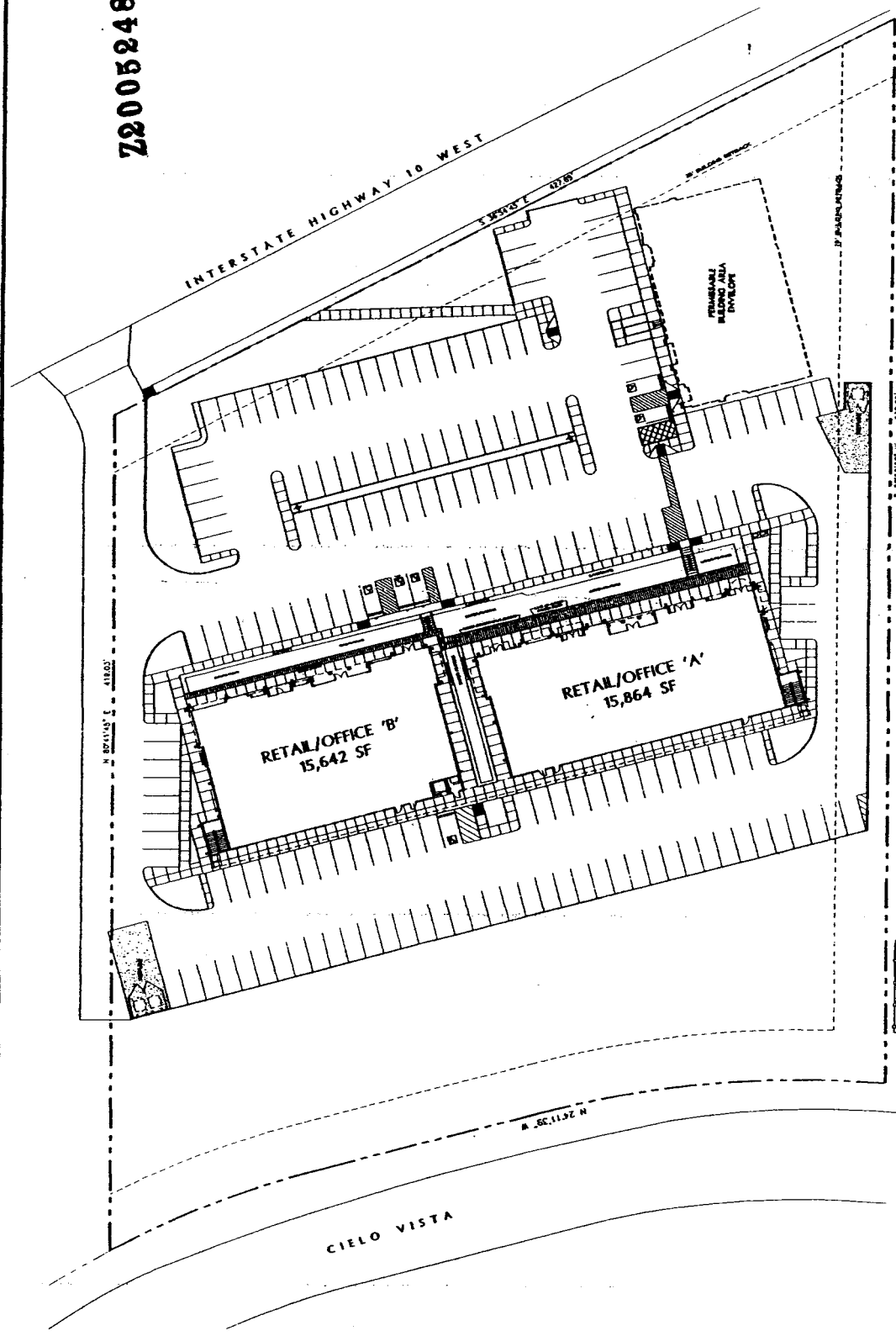
Approval

CASE MANAGER : Matthew Taylor 207-5876

VOTE

FOR	9
AGAINST	0
ABSTAIN	0
RECUSAL	0

22005248



OVERALL SITE PLAN
SCALE: 1"=50'-0"

Z2005248 S

ZONING CASE NO. Z2005248 S -- November 1, 2005

Applicant: Kaufman and Associates, Inc

Zoning Request: "O-2 GC-1" Office Hill Country Gateway Corridor District and "C-2 GC-1" Commercial Hill Country Gateway Corridor District to "C-2 S GC-1" Commercial Hill Country Gateway Corridor District with a Specific Use Permit for a bar and/or tavern.

Rob Killen, 100 W. Houston, representing the owner, stated that they propose to operate a cigar bar with alcoholic sales.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and no response from the Cielo Vista Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner Stribling and seconded by Commissioner Robbins to recommend approval.

1. Property is located on .48 acres out of NCB 16391 at 23535 IH-10 West.
2. There were 7 notices mailed, 0 returned in opposition and 0 in favor.
3. Staff recommends approval.

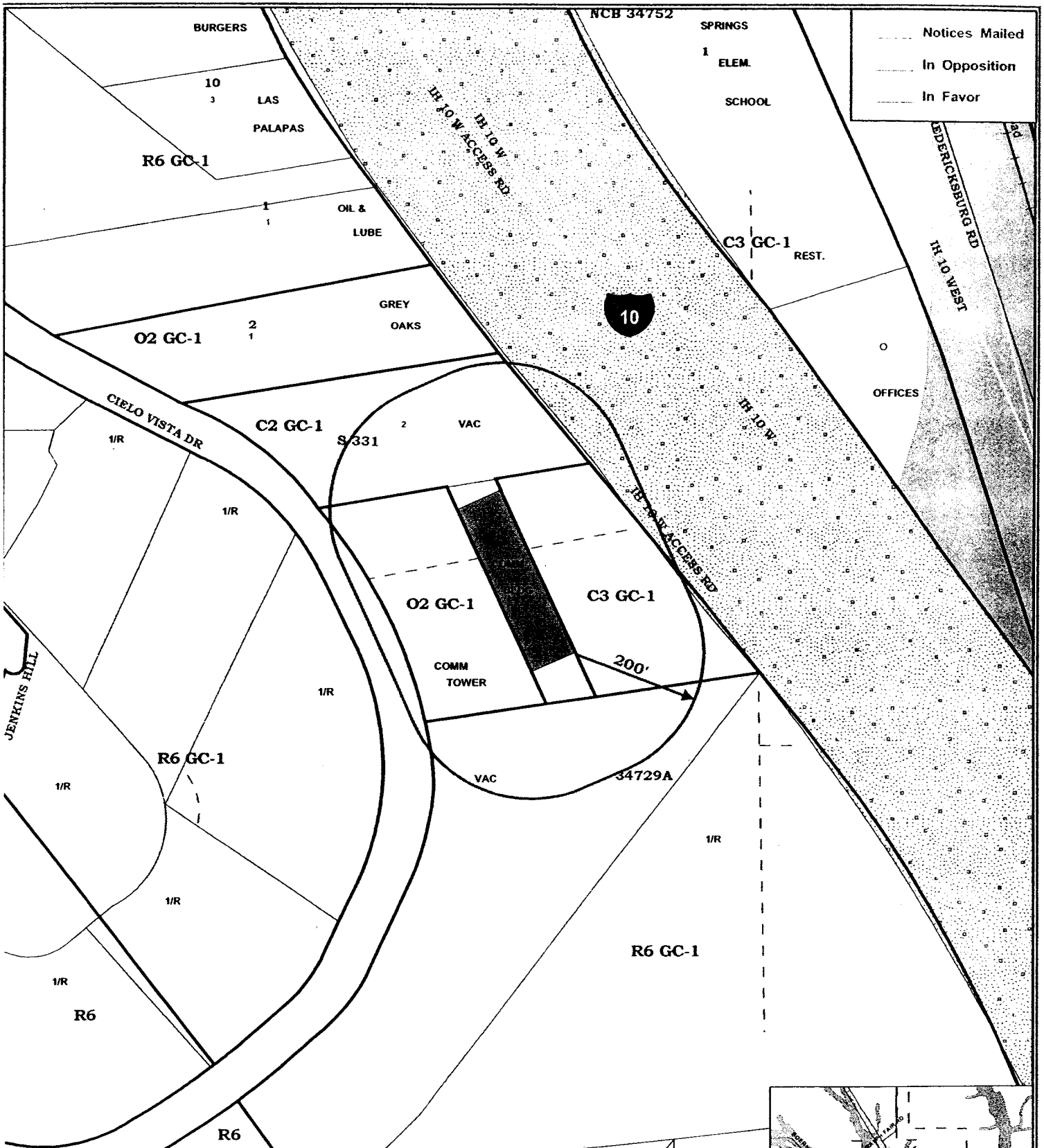
AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Sherrill, McAden, Avila, Stribling, Gray

NAYS: None

THE MOTION CARRIED.

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.



ZONING CASE: Z2005-248 S

City Council District No. 8

Requested Zoning Change

From "O-2 GC-1", "C-2 GC-1" To "C-2S GC-1"

Date: December 15, 2005

Scale: 1" = 200'

■ Subject Property

○ 200' Notification



C:\Oct_4_2005

